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ON THE MAKING OF PEACE

By Alexander Boeker

This week the Foreign Ministers of the Big Four began what is expected to be final discussion of the peace treaties with Italy, Finland, Bulgaria, Hungary and Romania. It is therefore appropriate to consider whether the instruments which may eventually issue from these discussions will be in fact "peace treaties" at all, or merely agreements among the victors on the division of spoils.

Until the First World War, a peace treaty had always been an agreement between victor and vanquished -- or between two stalemated belligerents -- with a view to terminating hostilities and creating a new state of law on the basis of mutual consent. In his classical textbook on International Law, L. F. L. Oppenheim says:

> "States which are driven from disagreement to war will, sooner or later, when the fortune of war has given its decision, be convinced that the armed contention ought to be terminated. Thus the normal mode of ending the contention is a mutual understanding and agreement upon certain terms; and it is a treaty of peace which embodies such understanding."

It is a curious commentary upon the degenerating standards of our time that, during the months of preliminary haggling in Paris, there was little or no comment on the fact that the current "peace conferences" constitute a radical departure from time-honored custom.

The vanquished were, and continue to be, conspicuous by their absence from the peace table. The only participants in the negotiations are the representatives of the victorious States. These negotiations are therefore devoted to dividing the fruits of conquest, not at all to bridging the gulf that developed during the war between the two belligerent camps.

That Italy, Finland, Bulgaria, Hungary and Romania are currently only objects, not subjects, of the peace negotiations, was made abundantly clear at Paris. The draft treaties had been prepared before the vanquished were even permitted to see them. Each defeated country was given only two hours to plead its case, whereas negotiations between the victorious Allies consumed months. Not one of the five defeated nations was permitted to participate actively in the vital work of the commissions and drafting committees at Paris.

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The Potsdam Declaration is wholly frank about this procedure as applied to Germany:

> "The Council [of Foreign Ministers] shall be utilized for the preparation of a peace settlement for Germany to be accepted by the government of Germany when a government adequate for the purpose is established." (Underscore supplied.)

II

The degree to which international standards have declined is brought out by comparing current procedure with diplomatic practices of the past. At the Congress of Vienna, assembled after two decades of allied war against France, the victorious Powers not only admitted the defeated nation to their councils, but actually made it a member of the Big Five of that day -- England, Russia, Prussia, Austria, France. They did so not out of love for their enemy, but in sober realization that France was an integral part of the European system. The stable peace that ensued lasted for a century, with only brief and minor interruptions, and gave Europe and the world one of the most tranquil, prosperous and progressive periods of history.

Present practices were foreshadowed in the treaties that terminated World War I. Yet, at Versailles, the victors at least felt bound to some extent by a preliminary agreement between the Entente Powers and Germany in which both sides accepted President Wilson's Fourteen Points as the basis of the future peace. Although the terms of that enlightened document were honored mostly in the breach, they nevertheless exercised a moderating influence in behalf of fundamental agreement.

No such restraining principles are apparent in the current negotiations. The Atlantic Charter, which promised self-determination and "the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world," was deliberately scrapped by President Roosevelt and Mr. Churchill. Nobody even claims that these promises are being kept.

If the victors make a travesty of peacemaking, the vanquished can hardly be expected to place a high value on the sanctity of dictated treaties. John Locke, in the second book of his essay on Civil Government, had this to say on the subject of a dictated peace:

> "It remains only to be considered whether promises, extorted by force, without right, can be thought consent, and how far they bind. To which I shall say, they bind not at all."

While some international lawyers have also questioned the validity of treaties signed under duress, majority opinion inclines to regard them as binding. It has never been questioned, however, that the moral

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force of a dictated peace is negligible compared with that of a negotiated peace, and both the will of the victor to enforce the peace, and the will of the vanquished to abide by its provisions, depend mainly on moral conviction. That is the real lesson of Versailles and of the other treaties that ended World War I.

III

More extraordinary than the absence of the vanquished at the peace table is the fact that many of the most important decisions to be embodied in the peace treaties have already been made by unilateral action. Frontiers have been drawn, populations deported, industries dismantled, reparations collected, colonies appropriated and constitutions made and unmade without even lip service to the Law of Nations. In large areas the so-called peace treaties will be able to do little more than to sanction a fait accompli.

In the early days of the war, experienced diplomats, like Sumner Welles in this country and Harold Nicolson in England, advocated a cooling-off period of several years between an armistice and a final peace treaty. It was then realized that one of the chief faults of the treaties terminating the last war was that they had been negotiated in a punitive atmosphere and had therefore erred on the side of vengeance.

We now have a "cooling-off" period of a very different sort, caused not by wise restraint on the part of the victors, but by their inability to agree with each other about the European settlement. Some Powers, acting upon the premise that possession is nine points of the law, are grabbing what they can -- territories, machinery and even human beings -- without any legal right to justify their actions.

Thus, Tito is converting the eastern half of Venezia Giulia into a Communist and Slav province as though it were already his; Soviet Russia has renamed Königsberg, the city of Immanuel Kant, as Kaliningrad, Poland is expelling some ten million Germans from their homelands, though these territories were only provisionally assigned to it.

When Japan invaded Manchuria in 1931, in violation of its obligations as a member of the League of Nations and a signatory of the Kellogg-Briand Pact, Henry L. Stimson, then Secretary of State in President Hoover's Cabinet, declared that it was the policy of the United States not to give recognition to unilateral acts of force.

The Stimson Doctrine was applied by President Roosevelt to the Nazi conquests in Europe. Having never been disavowed, it would seem to be still valid. If so, it is hard to see how the President and the Senate, as trustees for American foreign policy, can much longer avoid the application of this doctrine to current cases of international brigandage.

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It may be argued, however, that American policy has been fixed by a series of executive agreements entered into by President Roosevelt and President Truman during and immediately after the war. Constitutional Government during that period was at a low ebb, and many eminent international lawyers have questioned the validity of those agreements, concluded without the advice or consent of the Senate. By action or inaction, the new Senate must decide whether these agreements are compatible with American interests and American principles.

Professor Herbert W. Briggs of Cornell, writing in the American Journal of International Law (Vol. 40, No. 2, April, 1946), declares:

> "There is no reason . . . why all executive agreements should be regarded as of equal validity; more especially there is no reason in law -- national or international -- why a succeeding administration should not treat an executive agreement made outside his competence by a preceding Executive as merely his personal pledge, never binding under international law on the United States. Such a procedure would have the advantage of putting foreign States on notice that not every agreement concluded by the President is binding on the United States."

President Roosevelt himself confirmed this view in the official text of his report to Congress on the Yalta Conference, March 1, 1945:

> "I am well aware of the constitutional fact -- as are all the United Nations -- that this charter [of UN] must be approved by two thirds of the Senate of the United States -- as will some of the other arrangements made at Yalta." (Underscore supplied.)

The Senate has been much abused for keeping the United States out of the League of Nations in 1919-20. No such charge can be made today. By overwhelming majorities the Senate has indorsed the United Nations Charter, the World Court and the International Bank and Fund. Its readiness to commit the United States to constructive participation in world affairs is not open to doubt.

This represenative body would therefore be in the stronger moral and political position if it decided to repudiate those executive agreements, or parts of agreements, which are in obvious and flagrant contradiction to American principles and American interests. Such action, far from embarrassing Secretary Byrnes, might actually free his hand to invite all nations to renegotiate peace on the basis of the Atlantic Charter, the only document of the recent war which received overwhelming approval in the minds and hearts of all peoples, victors and vanquished.

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Not Merely Gossip *A Supplement to* Human Events VOL. III, NO. 45

By Frank C. Hanighen November 6, 1946

Now is the time for all celebrants of the sweeping Republican Congressional victory to turn to sobriety and realistic stock-taking. Recognition of a number of factors obscured by the noise of triumph will have to come sooner or later. If there are any who dream of a quick and complete reversal of policy, a return to the kind of GOP hegemony which prevailed in pre-Roosevelt days, they would do well to awaken and look around.

It is our duty to report that few observers in Washington are free from doubt as to how successfully the new Republican Congressional regime will fare with the Republican program of retrenchment, budget balancing and lower taxes. Mr. Knutson (Minn.), slated to be head of the Ways and Means Committee, reportedly wants a 20 per cent income tax cut. But that would call for politically painful reduction in expenditures, if the budget is to be balanced. Now Mr. Taber (N. Y.), who is expected to head the Appropriations Committee, is a strong "economy" advocate. But he will find that appropriations for the Army and Navy constitute the biggest chunk of expenditures, and the most likely objective of cuts. If the world situation does not greatly improve, economy in that area of Government may not be popular or easy.

As for Carroll Reece's rather impolitic boast that the Republicans would liquidate 90 per cent of the bureaucracy, Capitol Hill reporters retort that such a program would collide with what they cynically call "the care and feeding of Congressmen." Some of the greatest shouters for economy, they point out, have always shown a marked reluctance to accept cuts in expenditures when disagreeable to their constituents. The bureaucrats have ways not only of digging in, but of staying in.

Revision of New Deal labor legislation does appear to be on the cards. Yet even here the outcome may be unpredictable. A large number of Republican Members of Congress voted against the Case bill and other drastic labor measures. It may have become a habit.

One certainty does emerge from the election results -- that Congress will start on a conservative course. A major consequence of the election is that the Midwest will dominate the House; and the Midwest, putting out of mind its wild-jackass days, has become as conservative as New England used to be, and as Speaker Martin is. Either Halleck of Indiana or Clarence Brown of Ohio will be Majority Leader. Allen of Illinois is in line for the chairmanship of the powerful Rules Committee. To this committee, all proposed bills must be referred -- and either achieve passage through its backing or meet with dusty death in its pigeonholes. Of the 33 important standing committees of the House, it is estimated that the Middle West will hold 19 chairmanships; the East, 11; and the Far West, 3. For some time to come this Midwest leaven will be a force to reckon with, in Senate as well as House.

But contrary yeasty elements in New York and other urban centers should not be overlooked. While Democrats have their Marcantonio, the Republicans ought to rub their eyes and realize that they almost had one too. His name is Vincent Longhi, Republican and American Labor Party candidate in the 12th New York Congressional district, who was defeated only by a close margin. Mr. Longhi was one of ten candidates in the election whose names were placed on the Communist Party's "honor roll" and who were lauded by the Daily Worker. He has a record of close and affectionate association with Communist organizations. The district Republican leader, in answer to charges that Longhi was a Communist, stated that he was a Republican in good

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standing. Nevertheless the Longhi phenomenon serves as a warning that the Republican Party is subject to infiltration by the same elements that have so fatally undermined the Democratic Party.

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The United States passed up a rare opportunity to take the lead in a universally popular cause when Russia made the first bid last week for general disarmament. This is the opinion of international experts in Washington, who indict the American Government not for its lack of good intentions, but for its failure to use its great influence effectively. Neither the chances of success for the Russian proposal, nor the sincerity of Russia in making it, have inspired any rosy illusions. But it is recalled that Russia's initiative in 1931 for world disarmament gave Moscow a big credit balance in the bank of world opinion for many years thereafter. While Senator Austin's speech is considered a good and effective reply, the fact remains that it took Molotov to draw out the American delegate. Again, as when Byrnes at Stuttgart replied to Stalin, we were on the defensive.

Although Russia doubtless gained some popular esteem thereby, the Washington Diplomatic Corps regards the Russian proposal with a suspicion which is not merely a product of the skepticism about Russian intentions in general. It is not forgotten that, in the Paris Conference last July, Russia plumped for large military establishments in her satellites, Hungary and Bulgaria; and that it was the Western democracies which sought to reduce the Russian demands. In fact, Russia wanted a larger Bulgarian army than did even the puppet government in Sofia, and in the end won her point in the treaty draft.

Such considerations reinforce a prevailing attitude of reserve on the disarmament matter which is best illustrated by the fact that there is a revival of an old story current at the time of the Disarmament Conference of 1931. The lion, the eagle, the bull and the bear met to discuss disarmament, so the story goes. The lion looking at the bull proposed abolition of horns. The bull with an eye to the eagle wanted to get rid of wings. The eagle examining the lion's anatomy called for removal of claws. But the bear had the last word, saying, "Let us abolish all these things and have one big global hug."

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For the eighth time since Liberation, French citizens -- we hope not too wearily -- will go to the polls on November 10. The contest assumes major importance because this time the voters will elect Deputies to a Chamber authorized to sit for the next five years. As in recent elections, three parties vie for leadership: the Communists, the Socialists and the MRP (Mouvement Populaire Républicain, often known as the Catholic Party).

Interest focuses on the MRP. That party, which emerged first in the polling last spring, approaches the test with forces somewhat demoralized and divided. General de Gaulle, regarded as the hero of MRP followers but not of the Party's leaders, has differed with Bidault and other MRP chiefs on the matter of the new Constitution. Additionally, there has appeared in the lists a new party called "Gaullist Union," which may split MRP voters. More and more, the MRP seems to suffer from the weakness of other "Christian Socialist" or "Christian Democratic" parties in Europe: it is negative rather than positive in its appeal, successful in rallying anti-Communist elements, but failing to create a constructive and inspiring program.

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The most voluminous diary in the world, Henry Morgenthau's, may come under Congressional investigation if Congressman Shafer of Michigan has his way. The former Secretary of the Treasury kept a day-to-day record of his 12 years in Federal office

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and it has swollen to 900 volumes and 60,000,000 words of typewritten copy. He has sold magazine rights on a condensation of the diary to Collier's. News of the diary and its sale, as reported in the New Yorker (October 26), has inspired Shafer to challenge Morgenthau's right to possess and commercially dispose of what Shafer claims is Government property, compiled on Government time with the aid of Government employees. When the New Yorker reporter asked to see what that journal calls "the volume for December 7, 1941," Mr. Morgenthau glanced at it first, then snapped it shut. "I think we'll skip this one," he said. "Just at this time, I'd rather not go into it."

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In Brazil, a number of the 300,000 Japanese colonists are convinced that Japan won the war. Crazy as the notion is, it arises from some very understandable causes. Only a small percentage of these Japanese know Portuguese, and in any case they dismiss Brazilian versions of the war as propaganda. Japanese language newspapers were suppressed in 1940. Many of the Japanese live in remote areas and many have spent the past few years in concentration camps. Unable to communicate with Japan, they have never received a credible -- to them -- account of the Pacific struggle.

Fanatics from their ranks, under the banner of a new organization called Shindo Remmei, have spread the myth of Japanese victory by calling attention inter alia to news photos of the Japanese surrender to MacArthur. Because the Japanese could see that MacArthur was without a necktie, while the Japanese officers in the group were in full uniform, they accepted the conclusion that the roles were reversed. Consequently they live in the firm expectation that the Japanese fleet will soon sail into Santos harbor to deliver them; and some are said to have credulously purchased from Shindo Remmei agitators leases on estates in "conquered" Malaya and the Philippines.

This is no freak, believe-it-or-not case. It possesses significance because it is the logical result of censorship and the stoppage of communications; too prevalent today. Once the colonists in Brazil receive a true picture of what has happened to Japan from their relatives and friends in the mother country, their bizarre beliefs will fade away.

* * * * *

Evidence of the failure of our occupation policy in Germany mounts. This column has come into possession of a letter, from Germany, one passage of which apparently described some personal experiences in the Russian zone, none too flattering to the Russian regime. This passage was deleted by the American censors. Also, a German Jewish refugee living in New York informs us that in all his letters to his brother in Munich, and in his brother's replies, portions which apparently dealt with American and Russian civil policies were regularly deleted. It is only fair to conclude that American censors are suppressing facts of a political, non-military character. This may be in accordance with orders of GHQ. But if it is, then someone in GHQ is responsible for a directive designed to protect the Russian as well as American occupation authorities from criticism.

As we pointed out in Not Merely Gossip (September 25), the American occupation regime is by no means free from the ubiquitous fellow-travelling element. General McClure's Information Control Division is said to be well staffed with such folk. Therefore it was no great surprise to read an interesting AP dispatch (October 28) from Bad Nauheim, reporting that DANA, the only news agency in the American zone, has been turned over, or "licensed," to a German board headed by a Dr. Rudolf Agricola. A previous AP story (March 17) describes this gentleman as the "Communist publisher of the 'Rhein-Neckar Zeitung' of Heidelberg." Under the new licensing setup, the Germans in our zone will apparently read only such news as does not conflict with the "party line."

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Notes and Quotes

"The policy to be followed is simply for the Administration to jump on [John L.] Lewis with both feet, forgetting all other issues except the cheap political trick in which he is indulging. Then, if he provokes a strike by voiding the contract, legal action of the most drastic sort is available." This is not a quote from a "labor-baiting" sheet. It is an editorial admonition from the New Republic, self-styled "liberal" journal of opinion. We reprint it because it seems instructive on the subject of what today carries the name of "liberalism."

Such "liberal" journals are strongly -- hysterically -- against Government suppression of strikes -- unless, of course, the strikers are Lewis' miners. Lewis in the "liberal" book is the big bad man who threatens the CIO; incidentally an organization strongly influenced by the Communists. If the National Association of Manufacturers had said this about a CIO union, one can imagine the temperature of the New Republic prose. This prose, by the way, is suggestive. That imagery -- "jump with both feet" -- does it not evoke a picture of National Guards ("Cossacks" to the New Republic readers) grinding under heel a pit-head picket, or a Buchenwald Nazi caving in the breast of a Jewish prisoner? Figures of speech sometimes reveal the subconscious motivation of their users.

The same issue of this magazine is sarcastic about the "free market," in comparing present-day food prices with the OPA ceiling prices of last spring. It would do no good, we suppose, to remind such economists that there were no pork chops at those ceiling prices, only at much higher "black market" prices. Quite evidently, "ceiling price" took on the guise of a special sort of price for the New Republic. This reminds us of the story about the Nazi orator trying to convert a pre-Hitler German audience. "We are not for high bread prices," he shrieked. "We are not for low bread prices. We are for National Socialist bread prices."

* * * * *

"Mr. [Arthur Hays] Sulzberger said he was opposed to political Zionism not solely because of the fate of the Jewish refugees but because he disliked the 'coercive methods' of Zionists in this country who use economic means to silence those with differing views." (New York Times, October 27.) This utterance of the widely esteemed and highly responsible publisher of the Times is the more interesting because it recalls rumors that his newspaper has been under heavy pressure from Zionists to back "political Zionism." Obviously, Mr. Sulzberger is having none of that. "Those who view Jews as a race instead of as a faith, and a faith only, as I do, have reasons for national aspirations which I do not share," he affirms. So do some Jewish subscribers who wrote us about Zionism as Imperialism (HUMAN EVENTS, September 18, 1946) to assert that the majority of American Jews are against political Zionism. Yet, the political Zionists monopolize the spotlight in the press. Is it possible that they are using "economic means" to silence such opposition as is expressed by our Jewish correspondents?

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Mrs. Claire Boothe Luce has lost none of her ability in political polemics, despite her retirement from Congress, as the following from a recent Republican campaign speech shows: "Now a Commibut is what I call a person who answers every question about Russian aggression in Europe and Asia, and Communist activities in this country by saying, 'Understand, of course, I loathe Communism. But . . .' The Commibuts in America are legion, but the most conspicuous Commibuts are, today, Democratic candidates."

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